

HOUSE BILL No. 1187

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-21.5-2-6; IC 31-19-26.

Synopsis: Medical expenses for adopted children. Requires payment by the county office of family and children or the department of child services of the costs of certain health related adoption subsidies. Makes a determination by the department of child services with respect to subsidies subject to administrative review.

Effective: July 1, 2007.

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January 11, 2007, read first time and referred to Committee on Family, Children and Human Affairs.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1187

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-21.5-2-6, AS AMENDED BY P.L.234-2005,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 6. (a) This article does not apply to the
4 formulation, issuance, or administrative review (but does, except as
5 provided in subsection (b), apply to the judicial review and civil
6 enforcement) of any of the following:

7 (1) Except as provided in IC 12-17.2-4-18.7 and
8 IC 12-17.2-5-18.7, **and other than a determination made under**
9 **IC 31-19-26-3**, determinations by the division of family resources
10 and the department of child services.

11 (2) Determinations by the alcohol and tobacco commission.

12 (3) Determinations by the office of Medicaid policy and planning
13 concerning recipients and applicants of Medicaid. However, this
14 article does apply to determinations by the office of Medicaid
15 policy and planning concerning providers.

16 (4) A final determination of the Indiana board of tax review.

17 (b) IC 4-21.5-5-12 and IC 4-21.5-5-14 do not apply to judicial

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review of a final determination of the Indiana board of tax review.

SECTION 2. IC 31-19-26-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) When a petition for adoption is filed seeking a subsidy and the payment of a subsidy is ordered by the court, **or a subsidy is required under section 3(a) of this chapter**, the order **or adoption decree** must contain the following information:

(1) Whether a subsidy:

(A) will be paid under section 2 ~~or 3~~ **of this chapter**;

(B) **is required under section 3(a)** of this chapter; or

(C) **satisfies both clauses (A) and (B).**

(2) The amount of ~~each~~ a subsidy to be paid **under section 2 of this chapter.**

(3) If a subsidy ~~will be paid~~ **is required** under ~~section 3~~ **section 3(a)** of this chapter, the condition or cause covered by the subsidy.

(4) Any condition for the continued payment of a subsidy other than a requirement set forth in this chapter.

(b) **Except as provided in section 3 of this chapter**, the county office of family and children of the county responsible for foster care of an adoptive child:

(1) may be ordered to pay ~~either or both of the subsidies the~~ **subsidy under section 2 of this chapter**; and

(2) **shall pay a subsidy required under section 3 of this chapter**; to the adoptive parents or designated payees to the extent that money is available.

SECTION 3. IC 31-19-26-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) ~~The court may order the department to county office of family and children of the county responsible for foster care of an adoptive child shall~~ pay a subsidy for the medical, surgical, hospital, and related expenses for an adoptive child due to the physical, mental, emotional, or medical condition of the child if:

(1) the condition or the cause of the condition existed before the petition for adoption was filed; ~~and~~

(2) **the expenses related to treatment of the condition are paid by the state or a local unit of government before the adoption; and**

~~(2)~~ (3) payments from insurance or public money to treat the condition or cause of the condition are not available to the adoptive child or adoptive parents.

(b) **The county office of family and children of the county**

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1 responsible for foster care of an adoptive child shall pay a subsidy
 2 for the medical, surgical, hospital, and related expenses for an
 3 adoptive child due to a physical, a mental, an emotional, or a
 4 medical condition of the child of which evidence appears after the
 5 child is adopted if:

6 (1) the condition or the cause of the condition existed before
 7 the petition for adoption was filed, as determined by the
 8 child's treating physician; and

9 (2) payments from insurance or public money to treat the
 10 condition or cause of the condition are not available to the
 11 adoptive child or adoptive parents.

12 (c) If funding for subsidies is not available through the county
 13 office of family and children as required under subsections (a) and
 14 (b), the department of child services established by IC 31-25-1-1
 15 shall pay the subsidy.

16 (d) The amount of the subsidy required under subsection (a) or
 17 (b) must be equal to the amount that would be paid for the medical,
 18 surgical, hospital, and related expenses under the Medicaid
 19 program under IC 12-15.

20 (e) A person aggrieved by an agency action under this section
 21 may petition for administrative review under IC 4-21.5-3-7.

22 SECTION 4. IC 31-19-26-4 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) Subject to
 24 subsection (b), the subsidies under sections 2 and 3 of this chapter
 25 continue:

26 (1) until:

27 (A) the child becomes eighteen (18) years of age;

28 (B) the child becomes emancipated;

29 (C) the child dies;

30 (D) the child's adoption is terminated; or

31 (E) further order of court;

32 whichever occurs first; and

33 (2) although the adoptive parents leave the jurisdiction of the
 34 court.

35 (b) The court may order a subsidy granted **or required** under this
 36 chapter to continue until the adoptive child becomes twenty-one (21)
 37 years of age. The court may issue an order under this subsection if:

38 (1) the adoptive child files a petition for the order; and

39 (2) the court determines that the child is enrolled in:

40 (A) a secondary school;

41 (B) a college or university; or

42 (C) a course of vocational training leading to gainful

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employment.

SECTION 5. IC 31-19-26-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) As a condition for continuation of the subsidies, the court shall require the adoptive parents to file a sworn report with the court, with an additional copy to be filed with the county office of family and children making the payments of aid, at least one (1) time each year, stating:

(1) the location of the parents; and

(2) the location and condition of the child.

(b) The court or the county office of family and children may request confirmation of the veracity of the report required by subsection (a) from any governmental agency that provides services in the area of Indiana in which the child resides. On the basis of the report or information received by the court indicating changed conditions, the court may:

(1) continue;

(2) increase;

(3) reduce; or

(4) discontinue;

the subsidy by order of the court. **However, a court may not reduce or discontinue a subsidy under this section if the subsidy is required under section 3 of this chapter.**

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